

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOHNNY DAMUS  
a/k/a “Ace”,

Defendant.

**Consent Order of  
Restitution**

23 Cr. 514 (PGG)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Ashley C. Nicolas, Chelsea L. Scism, and Madison Reddick Smyser, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant’s conviction on Count One of the Indictment; and all other proceedings in this case, it is hereby ORDERED that:

**1. Amount of Restitution**

Johnny Damus, the defendant, shall pay restitution in the total amount of \$536,434.01, pursuant to 18 U.S.C. §§ 3663 and 3663A, to the victims of the offenses charged in Count One. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney’s Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

**A. Joint and Several Liability**

Restitution is joint and several with any defendant ordered to make restitution for offenses in this matter under 22 Cr. 514 (PGG).

Pursuant to 18 U.S.C. § 3664(h), the Court has apportioned liability to reflect the level of contribution to the victims’ losses and the economic circumstances of the defendant, as follows:

<b>Defendant</b>	<b>Apportioned Amount of Restitution</b>
Johnny Damus	\$536,434.01

The defendant's liability to pay restitution shall continue unabated until either the defendant has paid the full apportioned amount of restitution ordered herein, or every victim in Schedule A has recovered the total amount of each loss from the restitution paid by the defendant and all co-defendants ordered to pay the same victims.

### **B. Apportionment Among Victims**

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Restitution shall be paid to the victims identified in the Schedule of Victims, attached hereto as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A.

### **2. Schedule of Payments**

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from

prison will be paid in installments of at least ten percent of the defendant's gross income on the first of each month.

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

**3. Payment Instructions**

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

**4. Change in Circumstances**

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

**5. Term of Liability**

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid

balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: *Ashley C. Nicolas*  
Ashley C. Nicolas  
Chelsea L. Scism  
Madison Reddick Smyser  
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New York, NY 10007  
Tel.: (212) 637-2467 / -2105 / -2381

9/6/23  
DATE

JOHNNY DAMUS

By: *Johnny Damus*  
Johnny Damus

9-6-23  
DATE

By: *Albert Dayan*  
Albert Dayan, Esq.  
Attorney for Defendant

9-6-23  
DATE

*So Ordered.*

*Paul A. Sandage*  
*U.S. D.J.*

*September 6, 2023*

**SCHEDULE A**

<b>NAME</b>	<b>ADDRESS</b>	<b>LOSS</b>
American Express	American Express 200 Vesey St MC: 01-04-02, Marianne King New York, NY 10285	\$148,581.82
Capital One	Capital One Attn Capital One Bank Domestic Collections/12021-0210 2nd Floor 10750 Capital One Way Glen Allen, VA 23060	\$80,972.80
JP Morgan Chase	Chase Remittance Processing PO Box 17055 Wilmington, DE 19886-7055	\$128,320.24
Synchrony Mastercard	Synchrony ATTN: Fraud Restitution PO BOX 669829 Dallas, TX 75266	\$178,559.15
<b>TOTAL</b>		<b>\$536,434.01</b>